UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/SP/16
2 March 1995

ORIGINAL: ENGLISH

MEETINGS OF THE STATES PARTIES
Fifth meeting
New York, 21 February 1995

LETTER DATED 21 FEBRUARY 1995 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

I should be grateful if you would circulate the enclosed aide-mémoire dated 21 February 1995 as a document of the 5th meeting of the States parties to the Convention on the Rights of the Child.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

95-06082 (E) 080395 100395

/...

ANNEX

Since the adoption of resolution 47/1 of 22 September 1992 by the General Assembly, some international organizations and specialized agencies have adopted arbitrary decisions in connection with the participation of the Federal Republic of Yugoslavia in their work.

These decisions are totally unfounded and contrary to the letter and spirit of the above-mentioned resolution of the General Assembly, which pertains solely to non-participation of the Federal Republic of Yugoslavia in the work of the Assembly. That was clearly confirmed by the opinion of the United Nations Legal Counsel (A/47/485, annex) that "the resolution neither terminates nor suspends Yugoslavia's membership in the Organization" and that it "does not take away the right of Yugoslavia to participate in the work of organs other than Assembly bodies".

According to another opinion of the Office of Legal Affairs, dated 16 November 1993, "the status of Yugoslavia as a party to treaties was not affected by the adoption of the General Assembly of resolution 47/1 ...".

For its part, the Federal Republic of Yugoslavia has clearly stated that it will continue the State, international, legal and political personality of the former Socialist Federal Republic of Yugoslavia and that it will strictly abide by all international commitments undertaken by the Socialist Federal Republic of Yugoslavia.

The delegation of the Federal Republic of Yugoslavia regularly participates in the meetings of States parties to various international conventions.

At the 5th meeting of the States parties to the Convention on the Rights of the Child, on 21 February 1995, certain States parties sought to challenge Yugoslavia's right to participate in the meeting.

The Government of the Federal Republic of Yugoslavia strongly considers that such action is totally unfounded and therefore unacceptable for the following reasons:

(a) It is inconsistent with the provisions of the Convention on the Rights of the Child and the rules of procedure for the meeting of the States parties.

(b) The status of the Federal Republic of Yugoslavia as a party to the Convention is not in any way affected by General Assembly resolution 47/1.

(c) The Federal Republic of Yugoslavia has clearly expressed its readiness to abide fully by the commitments arising from the Convention and cooperate with the Committee on the Rights of the Child.

(d) The delegation of the Federal Republic of Yugoslavia has been officially invited to take part in the meeting of States parties, for which it has duly submitted full powers.

The Government of the Federal Republic of Yugoslavia wishes to draw the attention of the States parties to the Convention on the Rights of the Child that such legally unfounded and politically motivated action by certain States parties may set a dangerous precedent with respect to the status of the States parties to the Convention and create serious obstacles in its implementation.

It should be understood that the denial of the legitimate right of the Federal Republic of Yugoslavia to participate in the meeting of the States parties would at the same time imply suspension of its obligations arising from the Convention. Therefore, it would mean that Yugoslavia will no longer be obliged to implement the provisions of the Convention.

The Convention on the Rights of the Child falls under a specific category of treaties valid erga omnes with the primary goal to protect human rights. Therefore, the decision not to allow the participation of the delegation of the Federal Republic of Yugoslavia in the 5th meeting of the States parties to the Convention is in total contradiction with this noble goal as it discriminates against a States party that has demonstrated readiness and resolve to honour and implement the Convention.